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Identical letters dated 8 February 2018 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instruction from my Government, I have the honour to attach herewith identical letters addressed to the Secretary-General and the President of the Security Council, in response to the United States allegations regarding the work of the Joint Investigative Mechanism and the fact-finding missions of the Organisation for the Prohibition of Chemical Weapons with regard to the use of chemical weapons in Syria.

It would be highly appreciated if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

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Annex to the identical letters dated 8 February 2018 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

[Original: Arabic]

Letter from the National Commission for the Implementation of the Chemical Weapons Convention in response to United State allegations concerning the work of the Organisation for the Prohibition of Chemical Weapons (OPCW)-United Nations Joint Investigative Mechanism and OPCW Fact-Finding Missions on the use of chemical weapons in Syria

We are writing to you in response to the deliberate distortion of the facts contained in the letter dated 10 January 2018 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General (S/2018/35). That letter contains allegations and accusations against Syria in relation to the work of the OPCW-United Nations Joint Investigative Mechanism and OPCW Fact-Finding Missions on the use of chemical weapons in Syria. We have the honour to convey to you the response of the National Commission for the Implementation of the Chemical Weapons Convention to the above-mentioned letter, which we have prepared in order to counter efforts to twist the truth and to set the record straight in the face of the distortions and misrepresentations of the facts contained in the non-paper submitted by the Mission of the United States of America.

We regret to say that the United States letter containing the allegations has adopted a systematically misleading approach that, with its conclusions that fly in the face of the most basic of scientific axioms, unwittingly does more of a disservice to the United States scientists and experts themselves than it does to Syria. The United States allegations contained in the United States non-paper are aimed solely at stirring up animosity towards the Syrian Arab Republic in any way possible, even at the expense of logic and scientific truth, with which one cannot play around. The allegations were made as part of the effort to defend the Joint Investigative Mechanism, which many have confirmed has not been objective, scientific or independent in its various reports. In particular, its seventh report was drafted by its authors in the service of the political agendas of States known for their hostility to Syria and sponsorship of armed terrorist groups. Chief among those States is the United States, and States such as France, which have habitually used such mechanisms in the service of their narrow political interests at the expense of the fates of peoples and fundamental issues.

The response of the National Commission to the allegations contained in the above-mentioned United States non-paper is as follows:

1. The traces of hexamine discovered in samples of sarin taken from Khan Shaykhun does not mean that the sarin was without a doubt Syrian-made, especially given that deliberate efforts are being made to implicate Syria. Anyone who wants to can produce sarin using a process similar to the Syrian method and add hexamine to it in order to give the impression that it is Syrian sarin. Hexamine is a substance that is not proscribed and available on the open market. It can be obtained easily and added to already manufactured sarin.

Syria has officially submitted its process for manufacturing sarin to OPCW. It is entirely possible that that manufacturing process was leaked to terrorist groups,

especially given the cases of violation of confidentiality in OPCW that have been acknowledged by that organization's own investigations.

With regard to the match with the results of the analysis of sarin samples from the Syrian stockpile by OPCW in 2014, we should like to inform you that the Syrian stockpile did not contain sarin. It contained only methylphosphonyl difluoriden (DF), which was sent outside the country. It should be noted that Syria has asked OPCW repeatedly for a report on the results of the analysis of the DF samples that were sent abroad, and for the results of the analysis of the DF on which the Investigative Mechanism based its final report. It has received no response in that regard. In order to produce sarin, it is enough to take a quantity of DF and mix it with isopropanol. Sarin can be produced that easily. As to the impurities that were mentioned in the Mechanism's report, they can occur when manufacturing DF by a process other than the Syrian process. There is, for example, a method using methyl iodide with trimethyl phosphate or with triisopropyl phosphate and then chlorinating it with thionyl chloride. In other words, the impurities present that were identified in the analysis report are not found only in the stockpiles of the Syrian Arab Republic, contrary to Mr. Mulet's statement that these impurities are a fingerprint of the Syrian stockpile.

With regard to the Libyan chemical arsenal, although the statement that a large portion of it has evaporated is made without any documentation or material evidence, the Western States have accepted that claim. How can we be certain that that those stocks were not smuggled to terrorists, who have been confirmed by the United Nations to possess and use chemical weapons. At the same time, OPCW refuses to accept that DF might have leaked out of two containers by accident.

2. The United States claims that the Syrian Government denied immediate access to the site, so instead, the Fact-Finding Mission used the methodology of interviewing witnesses at a safe location.

Observations:

This claim is pure fabrication. Syria was first to invite OPCW to visit both Shu'ayrat airfield and the location of the incident, and to begin an investigation immediately. It offered guarantees of safe access up until the last military checkpoint closest to the town of Khan Shaykhun. Syria believed that it was in its interest to uncover the circumstances surrounding the incident. The invitation was met with obfuscation and delay. It should also be noted that guarantees of safe access to the town of Khan Shaykhun were offered by the traitor Riyad Hijab. Moreover, one would assume that it would be logical and in the interest of the armed terrorist groups to facilitate access of the Mission to the alleged area where the injuries occurred rather than to obstruct it.

The presence of sarin in the samples taken by Damascus and provided to OPCW cannot be construed as proof that the Syrian Army was the party that used it (as was explained in point 1).

The United States Government bombarded Shu'ayrat airfield on the pretext that it was the base from which the aircraft that bombed Khan Shaykhun departed. That happened before any investigation was conducted. Therefore, it was obviously necessary to visit the base and take samples to determine whether the base was really used in that operation.

When the base was visited at a very late stage, the Mechanism interviewed officials there without bothering to take samples. The explanation for that is that samples taken from that base would have confirmed that there were no traces of sarin there, which would have given the lie to all the fabricated allegations that the United States used to justify its attack on Shu'ayrat airfield. Here, allow us to point out that

Syria has constantly been pressing the Mechanism to visit Khan Shaykhun and the airfield, and the Mechanism has refused to do so on security grounds.

Visiting the site of the incident would have been very important for identifying the mechanism that produced the explosion and the dispersal, and the area where the injuries occurred. All those factors are important in determining the cause of the incident. The Mechanism therefore failed to take into account all those factors, which it ought to have considered in the course of any scientific investigation based on facts and evidence. On the other hand, Syria does have evidence and deductions obtained from the site of the incident (the crater).

The United States maintains that the Fact-Finding Mission did not investigate Shu'ayrat airfield because it was not directly relevant to the issue of confirming whether chemical weapons had been used. That rationale is unacceptable because of the claim that the United States used as the basis for bombing the airfield. One cannot use the same argument in two contradictory contexts. Yet that same reasoning was used to bomb Shu'ayrat airfield.

3. The most important issue with respect to Khan Shaykhun is not whether or not sarin was used, but who used it and how it was used. All scientific evidence relating to the crater, its shape, wind direction and the area where the injuries occurred point to the conclusion that the crater is artificial and was not produced by an aerial bomb.

- The shape and depth of the crater, and the absence of an angle of incidence that would be consistent with the alleged bomb all indicate that the crater was not made by an aerial bomb. A 100 to 250 kg bomb dropped from a height of 3 to 4 km at a speed commensurate with that of an aircraft would have made a differently shaped crater, even if it did not explode.
- Remnants of an aerial bomb: The tail and the tip were not found, even though it would have been in the interests of the party making the allegation to preserve them in order to prove the allegation.
- All reliable bulletins on atmospheric conditions state that the wind at the time of the incident was blowing from south-west to north-east. However, the alleged area where the injuries occurred is west of the alleged crater, rather than to the east. Why did the Mechanism and others not ask themselves what caused the injuries to occur in a direction opposite to that of the wind? Did it not occur to them that perhaps there was another cause for the injuries and that the crater was created to cover up the real cause?
- Flight maps for that day show that Syrian aircraft were far away from the site of the incident. They were also on a flight path going from south to north. This has all been documented by global and local airlines. An aircraft cannot attack a target when it is five km away from that target and its flight path is not on track with the location of that target.
- The most important factor in the investigation would be the presence of material evidence and samples that would confirm the incident and its circumstances.
- The chain of custody for evidence is an essential element of the process of a judicial investigation.
- The lack of a secure chain of custody casts doubt on the credibility of the samples and evidence.
- It is evident that a proper chain of custody of evidence was not maintained by the Mechanism. The evidence was handed over to it in a neighbouring State. The principles of custody of evidence were not followed in terms of verifying the source, time and mode of transfer.

- It goes without saying that the evidence should have been collected by the Mechanism, which was charged with conducting the investigation. However, the fact that it was turned over the Mechanism by a terrorist faction belonging to the Nusrah Front certainly casts doubt on the extent of its credibility.

- The chain of custody, the witnesses produced and the samples were all provided by a terrorist group belonging to the Nusrah Front and at a location far from the site of the incident.

4. Out of its desire to uncover the true perpetrators, the Syrian Government managed under exceptional conditions to recover samples from the site of the incident. They were analysed, and the results of the analysis were submitted to the Mechanism as is, even though hexamine and sarin breakdown products were present. That can only be construed as an unequivocal sign of the credibility and transparency of the Syrian Government, and its lack of involvement in the incident. In order to produce sarin, it is enough to take a quantity of DF and mix it with isopropanol. Sarin can be produced that easily. As to the impurities mentioned in the Mechanism's report, it is possible for them to occur when manufacturing DF by a process different from the Syrian process. There is, for example, a method using methyl iodide with trimethyl phosphate or with triisopropyl phosphate and then chlorinating it with thionyl chloride. In other words, the impurities that were present and identified in the analysis report are not limited to the stockpiles of the Syrian Arab Republic.

5. It is one thing for the Mechanism to state that, in conducting its investigations, it followed a scientific approach and quite another for it to actually follow such an approach in a sober and pragmatic manner. In making that statement, the Mechanism has opened the doors wide to challenges to its methodology, analysis, data and the accuracy of its conclusions. Light has been and continues to be shed on a several of those conclusions by experts and specialists whose credibility with respect to methodology, analysis and assessment is far more reliable than that what we have detected in the report of the Mechanism. There are numerous experts from various States, including Western States such as the United States and Britain, whose published reports and studies have uncovered the fraudulent nature of allegations and conclusions such as those published in the report of the Mechanism. In particular, certain of those experts have used scientific methodologies stricter than those followed by the Mechanism, relying on theories, methodologies, probabilities and assumptions. They have refuted many of the premises relating to the very evidence on which the Mechanism relies, and have reached conclusions that are completely different from those reached by the Mechanism. That confirms the lack of professionalism in the work of the Mechanism and therefore the invalidity of the conclusions that it has reached with such a degree of "certainty", as it claims, and the correctness of the charge levelled against it that its investigation and analysis, and all the deductions stemming therefrom are spurious. In a case with such a high degree of importance, sensitivity and gravity as this, one must rely on certainty and arrive at a decisive answer to the questions raised rather than remaining satisfied with suspicion and conjecture.

6. The conclusion of the experts that the crater was consistent with the impact from a relatively large object travelling at high velocity is way off the mark. If that were the case, the crater would have been conical in shape and much deeper, the earth would presumably have been disturbed at the side, and the edges of the pavement would have looked different. The destruction and the immediate surroundings could be consistent with having been produced by a guided or an unguided bomb. As for the fragments, they would have been propelled at speed, but the tip, tail and other parts of the bomb ought to have been found next to the crater. Unfortunately, the Mechanism failed to look into that. In addition, according to Mr. Mulet, the experts examined the munition fragments observed in the crater, but he neither mentions why

the fragments themselves were not turned over to them for analysis, or why the observations made concerning the alleged fragments in our report were not taken into account. Where an aerial chemical system is used, the tail and mixing mechanism ought to be found in the place where it falls, even if at a distance of 300 metres, as Mr. Mulet supposes. Where, therefore, are these remnants? The absence of those remnants is something the Mechanism has failed to explain. Here, one cannot help but ask: How was the conclusion reached that that the large object was part of the casing of an aerial bomb measuring between 300 and 500 mm in diameter? This finding is uncalled for and mistaken. We think it is more likely to be part of a pipe with a relatively small diameter and not one of that size.

With regard to the incident at Lataminah on 30 March 2017, in comparing the two reports on the results of the analysis of samples taken from the village of Lataminah, we observe that the first report indicates the presence of sarin and its breakdown products, but does not mention the additional compounds diisopropyl fluorophosphate (DIPF), diisopropylphenyl (DIPP), hexafluoropropylene (HFP), isopropyl phosphorofluoridate (iPPF) or triphenylphosphine (TPP).

The second report was politicized and added "additional compounds" and "impurities" to the results of the analysis so that that it would match the report on the Khan Shaykhun samples, and support the accusation that, in their view, the Syrian Government used sarin produced using the Syrian method. It is therefore clear that the two reports contradict each other.

7. The victories on the ground being achieved by the Syrian Arab Army mean that it has no need to use weapons that would damage the reputation of Syria and its army. The ones employing those weapons against children and civilians are the armed fighters themselves, who are using them for their own well-known purposes. They would not be used when progress and successive victories are being achieved. Here we must answer the question of who benefits from such acts, in order to make the picture clear for the investigators and to guide the course of their work.

The Syrian Arab Republic hopes that it has provided the necessary scientific clarifications, with a view to correcting the misleading allegations that are in the United States letter. It reiterates that Syria has not used toxic chemical substances against its people, even in the fiercest of the battles it has waged against its murderous terrorist enemies, and that it will not do so. That is in keeping with our belief that there is no justification for the use of such weapons in any time, circumstance or place. We must also note that the United States of America is in no moral position to take other States to task for not complying with conventions prohibiting the proliferation of weapons of mass destruction at a time when it has just announced a new nuclear strategy that emphasizes an enhanced policy of nuclear deterrence. Such a policy goes against all international instruments and norms, and threatens humanity with destruction.

(*Signed*) Faisal **Mekdad**
Chair of the National Commission
Deputy Minister for Foreign Affairs and Emigrants